

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-18 are pending, wherein Claims 1, 17 and 18 are independent claims. The Examiner rejected Claims 1, 2, 17, and 18 under 35 U.S.C. § 102(b) as being anticipated by *Womack et al.* (US Pat. No.: 5,982,819); and Claims 3-16 under 35 U.S.C. § 103(a) as being unpatentable over *Womack* in view of Admitted Prior Art (APA).

Regarding the rejection of independent Claim 1, the Examiner states that *Womack* discloses all of the claimed subject matter of the independent claim. Independent Claim 1 has been amended to include the recitation of a switching means for automatically switching between at least the first and the second modulation techniques. Thus, it is respectfully submitted that, in view of the amendment to Claim 1, Claim 1 is now patentable over *Womack*. Accordingly, Applicants believe that the Examiner's rejection of Claim 1 under §102(b) should be withdrawn and that Claim 1 is now in condition for allowance.

Furthermore, without conceding the patentability of dependent Claims 2-16, *per se*, Applicants believe these claims to be patentably distinct over *Womack* or the combination of *Womack* and the APA, based on their dependency from amended independent Claim 1. Dependent Claims 2-16 are now believed to be in condition for allowance.

Regarding the rejection of independent Claims 17 and 18 under §102(b), these claims have been amended in a manner similar to independent Claim 1, to distinguish over *Womack*, which neither teaches nor discloses a switching means for automatically switching between the at least a first and a second modulation technique.

Accordingly, it is respectfully requested that the rejection of independent Claims 17 and 18 under 35 U.S.C. §102(b) be withdrawn. Claims 17 and 18 are also believed to be too in condition for allowance.

Hence, all of the claims pending in the Application, namely, Claims 1-18 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

THE FARRELL LAW FIRM

333 Earle Ovington Blvd.
Suite 701
Uniondale, New York 11553
Tel: (516) 228-3565
Fax: (516) 228-8475

PJF/CEA/fl